

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 13 January 2000 (13.01.00)	
International application No. PCT/US99/05287	Applicant's or agent's file reference 70869-0068
International filing date (day/month/year) 11 March 1999 (11.03.99)	Priority date (day/month/year) 11 March 1998 (11.03.98)
Applicant VERKAART, Wesley, H. et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
08 October 1999 (08.10.99)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Diana Nissen Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 08 AUG 2000

PCT

Applicant's or agent's file reference 70869-0068	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/05287	International filing date (day/month/year) 11 MARCH 1999	Priority date (day/month/year) 11 MARCH 1998
International Patent Classification (IPC) or national classification and IPC Please See Supplemental Sheet.		
Applicant HARVEST TECHNOLOGIES CORPORATION		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

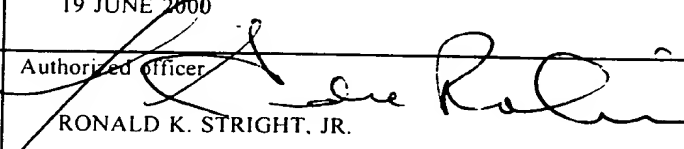
2. This REPORT consists of a total of 4 sheets.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 08 OCTOBER 1999	Date of completion of this report 19 JUNE 2000
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer  RONALD K. STRIGHT, JR.
Facsimile No. (703) 305-3230	Telephone No. (703) 308-2113

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/05287

I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed
- ☒ the description:
pages 1-11 , as originally filed
pages NONE , filed with the demand
pages NONE , filed with the letter of _____
- ☒ the claims:
pages 12-13 , as originally filed
pages NONE , as amended (together with any statement) under Article 19
pages NONE , filed with the demand
pages NONE , filed with the letter of _____
- ☒ the drawings:
pages 1/8-8/8 , as originally filed
pages NONE , filed with the demand
pages NONE , filed with the letter of _____
- ☒ the sequence listing part of the description:
pages NONE , as originally filed
pages NONE , filed with the demand
pages NONE , filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/fig NONE

5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/05287

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. statement**

Novelty (N)	Claims	<u>3-6, 9, 10</u>	YES
	Claims	<u>1, 2, 7, 8, 11-13</u>	NO
Inventive Step (IS)	Claims	<u>3-6, 9, 10</u>	YES
	Claims	<u>1, 2, 7, 8, 11-13</u>	NO
Industrial Applicability (IA)	Claims	<u>1-13</u>	YES
	Claims	<u>NONE</u>	NO

2. citations and explanations (Rule 70.7)

Claims 1, 2, 7, 8 and 11-13 lack novelty under PCT Article 33(2) as being anticipated by Schwebel et al.

Claims 1, 2, 7 and 8 lack novelty under PCT Article 33(2) as being anticipated by Porat et al.

Claims 3-6, 9 and 10 meet the criteria set out in PCT Article 33(2)-(4) because the prior art does not teach or fairly suggest the combination of elements including the first part being a rigid tube, and the second part being flexible or the means to releasably engage being a clip or a disc with a slot.

----- NEW CITATIONS -----

NONE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/05287

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

CLASSIFICATION:

The International Patent Classification (IPC) and/or the National classification are as listed below:

IPC(6): A61B 17/06; A61M 5/32, 315; B65B 1/04; B65D 83/10; and US Cl. 141/2, 18; 206/364, 438; 604/199, 220, 227

I. BASIS OF REPORT:

5. (Some) amendments are considered to go beyond the disclosure as filed:

NONE

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US99/05287

A. CLASSIFICATION OF SUBJECT MATTER

IPC(6) : A61B 17/06; A61M 5/32, 315; B65B 1/04; B65D 83/10

US CL : 141/2, 18; 206/364, 438; 604/199, 220, 227

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 141/2, 18, 21-23; 206/363-366, 368, 438, 828; 604/181, 187, 191, 192, 197-200, 208, 212, 214, 216, 218, 220, 227, 263, 403

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
NONE

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
APS

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X,P ---- A	US 5,769,825 A (LYNN) 23 June 1998, Figs. 17A and 17B, and entire disclosure.	1, 2, 7, 8, 11-13 ----- 4-6
X	US 4,338,980 A (SCHWEBEL et al) 13 July 1982, entire document.	1, 2, 7, 8, 11-13
X	US 4,583,978 A (PORAT et al) 22 April 1986, entire document.	1, 2, 7, 8
A	US 1,649,022 A (EISELE) 15 November 1927, Fig. 3.	9
A	US 4,212,309 A (MOOREHEAD) 15 July 1980, Figs. 1 and 5.	9

☒ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

* Special categories of cited documents:	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A" document defining the general state of the art which is not considered to be of particular relevance	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E" earlier document published on or after the international filing date	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"&"	document member of the same patent family
"O" document referring to an oral disclosure, use, exhibition or other means		
"P" document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search 09 JUNE 1999	Date of mailing of the international search report 26 JUL 1999
Name and mailing address of the ISA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer RONALD K. STRIGHT, JR. Telephone No. (703) 308-2113

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US99/05287

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 4,890,626 A (WANG) 02 January 1990, Figs. 7-11.	10
A	US 3,008,570 A (ROEHR et al) 14 November 1961, entire document.	1-13
A	US 2,860,635 A (WILBURN) 18 November 1958, entire document.	1-13